National Labor Relations Board



Weekly Summary of NLRB Cases

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Sleepy's Inc. (34-RC-2317; 355 NLRB No. 21) Bethpage, NY, Mar. 26, 2010. Reversing the Regional Director's finding, the Board found that the petitioned-for unit of sales employees at just 32 of the Employer's stores in southwestern Connecticut was not an appropriate unit, and remanded the case so that the Regional Director could determine whether some unit smaller than the entire New England market would be appropriate. Because the union petitioned for a unit that was greater than a single location, but less than chain-wide in scope, the Board applied its traditional community-of-interest analysis. The Board found that although the employees who work at the 32 stores perform the same work, use the same skills, and enjoy identical terms and conditions of employment, employees at the Employer's stores *outside* the proposed unit also perform the same work, use the same skills, and enjoy the same terms and conditions of employment. The Board further found that the 32 stores in the petitioned-for unit are functionally integrated with other stores outside the proposed unit; there is significant employee interchange with employees at stores outside the proposed unit; and there is centralized control of management and labor relations in the New England Market. Finally, the Board found that the proposed unit does not conform to one of the Employer's organizational groupings or administrative functions, and is neither geographically coherent nor stable. [HTML] [PDF]

(Chairman Liebman and Member Schaumber participated.)

FAILED TO FILE AN ADEQUATE AND TIMELY ANSWER TO COMPLAINT

(In the following case, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an adequate and timely answer to complaint.)

Transportation Solutions, Inc. (General Teamsters, Chauffeurs and Helpers Local 249 a/w International Brotherhood of Teamsters) (6-CA-36628); 355 NLRB No. 22) Pittsburgh, PA, Mar. 26, 2010. [HTML] [PDF]

UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES

In the following case, the Board adopted Report of Acting Regional Director in the absence of exceptions)

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Auer Electric, Nottingham, MD, 5-RC-16313, Mar. 26, 2010.

Miscellaneous Board Decisions and Orders

ORDER [granting permission for Special Appeal and denying Appeal; and Supplements, and request to add or establish Intervenor)

Tenet Healthcare Corp. d/b/a Hahnemann University Hospital, Philadelphia, PA, 4-RC-21557, Mar. 23, 2010 (Chairman Liebman and Member Schaumber participated).

ORDER [granting request for review solely with respect to exclusion of employees from the veterinary, AAGSO, breeding, kennel, and puppy-raising departments and denying in all other respects]

Guide Dogs for the Blind, Inc., San Rafael, CA, 20-RC-18286, Mar. 25, 2010 (Chairman Liebman and Member Schaumber participated).

DECISIONS OF ADMINISTRATIVE LAW JUDGES

Palm Beach Metro Transportation, LLC (Amalgamated Transit Union, Local 1577) West Palm Beach, FL, Mar. 22, 2010, 12-CA-25842, et al., JD(ATL)-05-10, Judge William N. Cates.

Cincinnati Sportservice, Inc. (Chicago and Midwest Regional Joint Board) Cincinnati, OH, Mar. 22, 2010, 9-CA-45165, 45197, JD-17-10, Judge Arthur J. Amchan.

C & D Hughes, Inc. (an Individual) Charlotte, MI, Mar. 23, 2010, 7-CA-52169, JD-18-10, Judge Arthur J. Amchan.

Covanta Energy Corp. and Covanta SEMASS LLC, Single Employers and/or Joint Employers (Utility Workers, Local 369) West Wareham, MA, Mar. 26, 2010, 1-CA-45233, JD-19-10, Judge David I. Goldman.

Omaha World-Herald (Teamsters District Council 2, Local 543M a/w International Brotherhood of Teamsters) Omaha, NE, Mar. 26, 2010, 17-CA-24389, JD(SF)-12-10, Judge James M. Kennedy.
